

## Briefing for members on draft version of Packaging and Packaging Waste legislation (PPWD)

### Positive aspects

- Change from a Directive to a Regulation with the internal market legal base, ensuring uniformed implementation in all Member States.
- EU harmonisation of labelling requirements for packaging as well as the criteria for the eco-modulation of EPR fees.
- Definition of recyclable packaging not referring to specific percentage.

**The overall objectives of the new Regulation** are to contribute to the efficient functioning of the internal market while preventing and reducing the impacts of packaging and packaging waste on the environment and human health.

### KEY POINTS FOR PAPER CONVERTERS

#### 1) Definitions (62 definitions, including new ones)

- Definitions on “packaging”, including separate definitions for ‘sales packaging’, ‘grouped packaging’, ‘transport packaging’
- Definition of ‘e-commerce packaging’. The ‘e-commerce packaging’ is now also considered ‘Transport packaging’.
- Definitions of “making available on the market” and “placing on the market”.
- Definitions of “manufacturer”, “producer”, “importer”, “supplier of packaging”, “authorized representative for EPR”.
- Definitions of “re-use”, “reusable packaging”, “single use packaging”, “rotation”, “trip”,
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- “systems for reuse”, “refill”, “reconditioning” and others. ‘Re-use’ is defined as reusable packaging that is used again for the same purpose. ‘Reusable packaging’ is defined as packaging conceived, designed and placed on the market to make as many trips/rotations within its lifecycle as possible in a reuse system (minimum trips to be defined in CEN standard). **Paper packaging does not currently fit these definitions.**
- Definitions of “empty space” and “empty space ratio”.

#### 2) Free movement

The legislation stresses the need for free movement of goods within the Single Market. If packaging complies with the sustainability, labelling and information requirements established in the Regulation, Member States cannot impede it from being placed on the market.

#### 3) Restriction on substances of concern

The presence/concentration of substances of concern in packaging shall be minimized, including in emissions and secondary raw materials. Lead, cadmium, mercury and hexavalent chromium are specifically mentioned and cannot exceed 100mg/kg by weight in any packaging.

#### 4) Recyclable packaging – many requirements

- Packaging is considered recyclable from 2030 if it complies with the design for recycling (DfR) criteria that the Commission will establish in a delegated act(s);
- as of 2035, it will be considered recyclable if it is also recycled at scale according to the methodology set by the delegated act(s).
- The DfR criteria and performance grades will be established in a series of delegated acts for different packaging categories before 2027.
- Paper and board are mentioned in two packaging categories, one for “Paper/cardboard packaging” and another one for “Composite packaging of which the majority is paper/cardboard”.
- A delegated act on a methodology to assess collection, sorting and recycling at scale will be set by 2031.
- Pharmaceutical immediate packaging is exempt until 2035.

If the Commission fails to adopt DfR rules before 2027, a negative list of packaging characteristics will come into force (see ‘Negative lists’ section for more information).

#### 5) Minimum recycled content in plastic packaging

Plastic packaging must contain a minimum amount of recycled content recovered from post-consumer plastic waste per unit of packaging:

- For contact sensitive plastic packaging: 25% by 2030, 50% by 2040
- For single-use plastic beverage bottles: 50% by 2030, 65% by 2040
- For other plastic packaging: 45% by 2030, 65% by 2040

By the end of 2026, an implementing act will be adopted establishing a methodology for the calculation of the percentage of recycled content and the format for the technical documentation.

**The Commission will also be empowered to adopt a delegated act on minimum recycled content in other packaging materials.**

#### 6) Compostable packaging

Packaging items must be compostable 24 months after the Regulation enters into force including tea bags, sticky labels attached to fruit and vegetables, filter coffee pods and very lightweight plastic carrier bags. Additionally, packaging other than those listed cannot be manufactured from compostable plastic polymers. The Commission will request that CEN update the relevant standard before 31 May 2026.

#### 7) Packaging minimisation, Empty space ratio (Void space) and Excessive packaging

Packaging must be minimised (by weight, volume and layers) by January 2030, this will apply to: • Sales packaging overall and specific targets for:

- Bulk products that settle after being packed or multiple items that need to be separated within the packaging for other reasons than marketing/sales- maximum empty space ratio of 25%.
- Cosmetics, electronics and toys—maximum empty space ratio of 15%.

- Grouped packaging, in relation to size/weight/volume of the grouped products and their packaging.
- Transport/e-commerce packaging in relation to size/weight/volume of products transported

Excessive packaging: **maximum empty space ratio of 40%** applies to **grouped packaging, transport packaging and e-commerce packaging** used for goods supplied to final distributor or end user.

## 8) Reuse targets

The Regulation sets ambitious reuse targets for packaging. Packaging is considered reusable according to a list of criteria, including that it can be emptied and unloaded without damage and can make many trips/rotations.

- Transport packaging for large household appliance: 90% by 2030
- Hot and cold beverages at point of sale: 30% by 2030, 95% by 2040
- Take-away prepared food: 20% by 2030, 75% by 2040
- Sales packaging for alcoholic beverages other than wine and spirits: 20% by 2030, 75% by

2040

- Sales packaging for non-alcoholic beverages: 20% by 2030, 75% by 2040
- Transport packaging for goods: 50% by 2030, 90% by 2040
- Transport packaging for e-commerce: 20% by 2030, 80% by 2040
- Grouped packaging: 10% by 2030, 50% by 2040

Exemptions are provided for economic operators that place less than 1000kg/y of packaging on the market, have less than 5 employees or have a sales area of less than 100m<sup>2</sup> (including storage and dispatch).

## 9) Calculation of re-use and re-fill targets

Describing general principles for the calculation of attainment of the targets. By end of 2028, the Commission will publish implementing acts detailing the calculation rules and methodology.

## 10) Prevention of packaging waste

Targets are set for Member States to reduce packaging waste per capita, using 2018 as a baseline, by 5% by 2030, 10% by 2030 and 15% by 2040.

## 11) Register of producers

Member States shall establish a register to monitor compliance of producers of packaging.

## 12) Deposit return system

By 2028, deposit and return system (DfR) should be set up for:

- Single use beverage bottles, up to 3l
- Single use metal beverage containers, up to 3l
- Packaging for wine and spirits, and milk/milk products listed in Regulation 1308/2013 are exempt.

- Member States might be exempt if the collection rate of that packaging is above 90%.
- Minimum criteria for the DfR are specified in an annex.

### 13) Recycling targets

The recycling targets remain unchanged from the Directive 2018/852 on packaging and packaging waste.

### 14) Negative lists

Two negative lists are included in the proposal:

- A negative list of packaging characteristics that will not be considered recyclable by 2030, if the Commission fails to adopt design for recycling rules OR they are recyclable below 70%. Six paper/cardboard characteristics are in the list, including **mineral oil colors and inks**, **paper packaging with plastic component** that cannot be separated in established processes, **silicon/wax coating**, **two-sided plastic coating/laminates**, decorative elements using PP/PET/ metallized, **insoluble adhesives** and hot melt with softening point below 68C.
- A second negative list restricting certain packaging formats and uses. The list includes as a format 'single-use packaging for fresh fruit and vegetables' (trays and containers). However, the restricted use only mentions single-use plastic packaging.